

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, April 27, 2011**

1. Call to Order:

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker	Jan Frantz	William Morris
Susan Baldwin (Mayor)	John Godfrey	Chip Spranger
Dan Buscher	Preston Hicks	John Stetler

Staff Present: Christine Hilton, Planning Supervisor
Jill Steel, Deputy City Attorney
Susan Bedsole, Licensing and Compliance Director
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda:

Mayor Baldwin moved that the items under #6. (A) & (B) on the agenda be reversed in order as there are many persons in attendance wanting to speak regarding item A. Special Use Permit #S-01-11; this would allow those that are present for item #B (Amendment to the Ordinance) be allowed to leave and would also allow other persons just getting out of work and wanting to be present for item (A) more time to be in attendance.

Commissioner Hicks, Chairman, asked for a vote to switch the order of items (A) & (B) noted under item #6 on today's agenda; eight in favor, one opposed; so moved.

4. Approval of Minutes: Meeting Minutes of March 16, 2011.

MOTION WAS MADE BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER GODFREY, TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR MARCH 16, 2011.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: Handed out (5) documents received regarding #S-01-11, they are as follows: (1-document) from Betty L. Woosley, listing (7) concerns; (3-documents) stating their opposition from Tom Frame, Jane Rolfe, and Kathy Domenico; and (1-document) from Mr. Jeff Koteles, NPC #10 Chairperson – Stating they are taking no action.

6. Public Hearing & Deliberations/Recommendations:

Amendment to Ordinance Chapter 1290.01 (b)(28) #A-01-11

Commissioner Hicks read the amendment request from Downtown Partnership: Stating it is a request for an amendment to Chapter 1290.01(b)(28) "Special Land Uses and Development" of the Battle Creek Zoning Ordinance that regulates uses permitted by special use permit in the downtown area,

generally located along W. Michigan Avenue between Capital Avenue and Carlyle Street. The existing ordinance allows tattoo parlors in the C-3, I-1, and I-2 districts with limitations by special use permit; the proposed amendment would add the C-7 zoning district to the districts in which tattoo parlors would be permitted by a special use permit.

Public Hearing Opened:

Ms. Christine Hilton, Planning Supervisor outlined the staff report, provided the history and background noting tattoo parlors were included and adopted in 1987 in Chapter 1295 which is “Adult Businesses” and that in 2001, that ordinance was amended to remove references to tattoo parlors and Chapter 1290 was amended to include them as a special use in the C3, I1 & I2 zoning districts. Stated that since that time there have been three requests for tattoo parlors, two of which have been approved by the Planning and City Commission.

Ms. Cheryl Beard, Director Commercial Development, Battle Creek Unlimited, 115 W. Michigan Ave., Battle Creek, MI, was present to speak and stated they would be pleased to have this amendment in the C-7 district as it would become a part of the Downtown Transformation Plan to attract and retain young talent in our community; noted that in today’s society young professionals utilize body art facilities and by prohibiting those facilities in the downtown goes against the grain of the plan. Noted that body art has evolved greatly in the last 30 years and is a means of artistic and cultural expression and can contribute to a dynamic and diverse downtown. Stated the applicants would be licensed by the State of Michigan and be inspected by the State of Michigan and County Health Department who would require extensive training for the businesses; that there are 39 pages of requirements that would need to be met for their business. Said the Downtown Partnership agreed unanimously to recommend an amendment to the ordinance to allow tattoo parlors downtown as a special use.

Mr. David Neilson, 44 Latta Street, came forward to speak; stated he is a lifetime resident of Battle Creek and lives adjacent to the downtown area. Said he believes the purpose of the Downtown Transformation is to enhance the downtown area to make it a desirable location for residents and families to come. Said as a senior he does not believe Tattoo Parlors would enhance the downtown area and is not the type of business that would be a good fit in a one-mainstreet downtown. Asked that the decision makers how would they feel about this type of business being allowed and thinks it is not a good transformation for the Downtown. Stated he believes if this ordinance is approved it would redefine the downtown transformation and not in a positive way.

Commissioner Preston Hicks asked if there were any others here to speak for or against this amendment, seeing none he called this public hearing to a close and would entertain a motion.

MOTION BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER FRANTZ TO APPROVE THE AMENDMENT TO ORDINANCE CHAPTER 1290.01 (b)(28) TO ADD THE C-7 ZONING DISTRICT TO THE DISTRICTS IN WHICH TATTOO PARLORS WOULD BE PERMITTED BY SPECIAL USE PERMIT.

Discussion:

Commissioner John Godfrey wanted to declare he was a member of the Downtown Partnership Board; however he had abstained from the vote at that meeting that brought this issue before the Planning Commission.

Commissioner Buscher asked planning staff why it had been removed or amended from the statute from the ordinance in 2001, and what the rationale was for the removal. Ms. Hilton stated initially when Chapter 1295 Adult Businesses of the zoning ordinance was adopted in 1987 it had included language that defined tattoo parlors as an adult business; and in 2001, there were a few requests to possibly have this type of business and staff at that time worked through the process to amend the ordinance to allow those by special use.

Commissioner Godfrey stated that at the Downtown Partnership meeting when this was brought before the board they had asked the downtown police officer his opinion regarding tattoo parlors and if it were any particular problem that is associated in conjunction with tattoo parlors in the City of Battle Creek. Noted the police officer stated that it was not the case, that they are so well regulated and cost them so much money that they make sure they abide by the rules and the laws. Commissioner Godfrey stated the Downtown Transformation group wants to improve business in the downtown and also want to provide good opportunities for the youth and want them to stay in the Battle Creek area. Said that body art is an expression of art and was expressed to the Downtown Partnership that it would show Battle Creek are wanting to change to allow more opportunities for their youth.

Commissioner Morris stated he owned a property on Columbia Avenue and no one wanted to rent it until a person who did body art came along; he was glad to give him the opportunity to rent the property and was approved by Special Use Permit. Said he personally does not care for body art, but feels he needs to support the community as the times are changing and this might help the downtown area.

Commissioner Frantz stated because it has brought to question whether body art operation is appropriate for the downtown during this transformation process; in response she wanted to defer to her expert colleague with Battle Creek Unlimited determining appropriate businesses for the downtown transformation. Stated Ms. Beard has been deeply involved in the transformation since its inception and she does not doubt her expertise on these matters.

Mayor Baldwin stated she echo's what has been said and that times are changing; noted she has seen with her son's friends, that it is a form of expression. Stated they need to remember it would only be permitted by Special Use Permit and would then be presented to them for review and approval as request are submitted.

A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR; NONE OPPOSED; MOTION APPROVED.

Special Use Permit #S-01-11:

Commissioner Hicks read the petition request from Heritage of Battle Creek LP, Mr. Scott Ganton, 14420 S. Helmer Rd., Battle Creek, MI 49015, requesting a Special Use Permit to allow for an Assisted Living Community in a "R-1B single Family Residential District" as permitted under the Planning and Zoning code, Chapter 1290, Sec. 1290.01(b)(6), for property located on S. Helmer Road, Parcel #0071-00-100-0.

Commissioner Stetler noted for the record that he owns property that is adjacent to the property in question and it is the opinion of the Deputy City Attorney that he abstain from vote and will not be involved in the discussion or the voting.

Commissioner Hicks stated due to the large number of persons present wanting to speak, they would limit the time for each person to speak to three minutes; he asked that those persons wishing to speak to please approach the front and state their name and address for the record and be mindful of their time and others opinions if they differ from their own; hopefully everyone will leave with knowing they have participated in a good and democratic process. Commissioner Hicks then Opened the Public Hearing and asked for the Staff Report.

Ms. Christine Hilton, Planning Supervisor outlined the report stating this parcel was located on the west-side of Helmer Rd. directly south of Jacaranda Estate Subdivision; it is 15 acres in size with 570 ft. of frontage. Noted this is vacant lot with exception of a storm-water retention pond at the northeast corner. Stated the proposal is for a one-story 50-unit assisted living facility that is 42,000 sq. ft. with a combination of studio, one, and two bedroom unit layouts; also having a 2,000 sq. ft. maintenance building with a 47 space parking lot; referenced the diagram on the board of the proposed building and explained the review of the plans. Ms. Hilton made reference to correspondence received regarding some lighting concerns of (30 ft. tall, 400 watt lights surrounding the property). In reference to and noting on the site plan that there were only 3 lights that are of that size and wattage; one in each parking lot area and one in front of the building with wall packs and 8ft. decorative lighting also adjacent to the parking lots), noted the applicant had submitted the photometrics for the lighting to show they will be maintained completely on his own property and will be providing optional visors on each of those wall packs to ensure that they shine down as opposed to out into the adjacent area.

Ms. Hilton stated Helmer Rd. is a principal arterial road and is a primary road for that side of the city running north to south and is rated for a high capacity of traffic. Information was received from the Fire Department regarding the medical first response received calls for both of the existing facilities that the applicant has south of Gethings Road; which equated to one first response call every week and a half, with a total of 24 calls in 2009; 50 calls in 2010; and 10 calls so far this year; therefore do not see that it would be a concern. Noted if the use of this property had 50 dwelling units built at 13,000 sq. ft. per household with the "R-1B Single Family" zoning were developed, it could be twice the density of the proposed facility. Stated the proposed facility would not have any city expenses required for maintenance and improvements, therefore the use will not create excessive additional requirements at public cost for public facilities and services and would not be detrimental to the economic welfare of the community. Ms. Hilton stated this request meets the general standards listed in Chapter 1290.04 as outlined and that planning staff recommend that the Planning Commission recommend to the City Commission approval of Special Use Permit #S-01-11 with the four; (2) Specific and (2) Administrative conditions outlined in the staff report.

Public Hearing:

Mr. Scott Ganton, 3004 Gardner Rd., Parma, Michigan, 49269, petitioner came forward to speak. Mr. Ganton stated he was here today requesting this Special Use Permit to develop a beautiful Assisted Living Community on the vacant 15 acre parcel of land south of the Jacaranda subdivision. Noted that ten-years ago they had built the facility on 14420 S. Helmer Road and believe their reputation for quality services, compassionate care, and peace of mind for families speak for its self. Stated they have an incredible team of people who have a passion and love for taking care of seniors and many of their staff had been with them for seven, eight or more years. Noted two-years ago they opened the "Reflections Memory Care Community" adjacent to the Heritage and in this beautiful community they meet the needs for seniors who are diagnosed with cognitive challenges such as Alzheimer's; noting this community is also meeting a tremendous need in the Battle Creek area. Ganton stated this population group will continue to be under served for many years because of the large number of

people turning 65 or older on a daily basis. Said their 4.2 million dollar facility will be named "Lakeview Assisted Living"; he explained the facility design and noted it would also create jobs for the community and would be licensed through the State of Michigan. Noted the local businesses would benefit also by providing services to the facility. Mr. Ganton invited the Jacaranda property owners to volunteer at the new facility as they would find it would be very rewarding to them, as it has been to others. He extended a sincere invitation to the Jacaranda residents to visit their facility and ask about their volunteer opportunities after they were opened. Mr. Ganton wanted to thank Jeff Domenico and Patrick and Renee Kelly for stopping by today at Heritage and speaking with him about some of the issues the neighborhood have; and for the record wanted to say he appreciated them coming and speaking with him and also wanted the Planning Commissioners to know he is very open to resolving any fence issues with the adjacent property owners, etc. and are willing to work with them to resolve any concerns they might have at any time even after the fact.

Mr. Ganton wanted to resolve an issue that was brought up at the NPC meeting the other night regarding if they were going to develop the rear of the property; he wanted it known for the record that he does not have any immediate plans to develop behind this existing facility, but as a business owner he did not want to say it would not happen. Stated he does not have any desire to do anything in the rear of this property at least for the time being as he enjoys the aspect that it is wild with a lot of deer and turkeys and would personally like to keep it that way. He thanked the commission.

Mr. Jeff Domenico, 133 Barbadoes, presented a petition to the Planning Commission with 102 signatures which stated: ***"We oppose the proposal for the development of the assisted living facility on the property referred to as Jacaranda III. We request the Zoning Board and the City Commissioners to deny this proposal and keep Jacaranda III zoned for single family residential"***.

IN OPPOSITION - The following (17) persons came forward to voice their concerns and/or speak:

Ms. Bette L. Woosley, 14627 S. Helmer Road	Kathy Domenico, 133 Barbadoes
Dick Wallace & Wife, 2785 Gethings Road	Dave Davis, 118 Mesa Verde
Jeff Domenico, 133 Barbadoes	Tom Frame, 152 Jacaranda Dr.
Larry Stanley, 14644 Helmer Road	Jane Rolfe, 138 Barbadoes Trl.
Patrick Harris, 14557 Helmer Road	Leroy Oliver, 146 Jacaranda
Sandra Jones, 1476 S. Helmer Road	Carol Burnd, 111 Mesa Verde
Nina Oliver & Husband, 146 Jacaranda Dr.	Bob Heath, 150 Del Rio Ln
Paul Deyal, 14627 S. Helmer Road	Gloria Williams, 117 Mesa Verde
Lisa Shanks, 155 Del Rio Lane	

Concerns were noted as follows:

- Traffic in the Jacaranda Subdivision
- Loss of, and threat to wildlife in the area
- Sirens and other noises associated with the proposed use
- Lighting, fencing, and smells
- Retention Pond
- Uninvited guest/trespassers
- Snow removal
- Increase in property taxes and reduction of property values
- Change to the character of their neighborhood
- Concern of more future development later on

IN SUPPORT - The following (14) persons came forward to speak:

Claudia Houser, East Leroy Township	Joy Brown, 635 Gull Lake Drive
Peggy Huntly, 153 W. Sunset Blvd.	Tom McKemp, Bellevue, MI
Mark Brown, Gull Lake	Jeff Barnaby, 3119 Gethings Road
Dan Harris, 386 Roxbury Lane, Bedford Twp.	Pam Andrews, Gethings Road
Mike McKenny, 720 Windamere	Michelle Streeter
Jean Hickman, 156 Foote Rd.	Gordon Polk, 200 Beckwith Drive
Ben Parker, 129 W. Hamilton	Allen Trap, (electrical contractor for Mr. Ganton)

Comments were noted as follows:

- Condition and quality of existing facility on S. Helmer Road
- If parcel were developed as single-family, developer could have more homes and lower quality than what is in the existing subdivision
- There is a need to provide homes for seniors needing assistance and employment opportunities
- Need investment in the communities older people; so they do not move away
- Would provide needed good quality of life for seniors
- Facility would benefit and increase the city's tax base

UNDECIDED: The following person came forward to speak:

Renee Kelly, 151 Del Rio

Comments were noted as follows:

- Understand this property will be developed at some point and they need to accept that fact
- Unsure if their issues and concerns would be addressed

Mr. David Walters (City Commissioner) came forward stating he was a resident of 262 Jacaranda Dr. and will abstain from speaking at this time, as he wanted to do what was right and make an informed decision when presented to the City Commission.

Mr. Allen Trap, Electrical contractor for Mr. Ganton stated typically the other facilities because they were not adjacent to a residential area, had just general commercial lighting; noted these structures are not commercial buildings, they are a series of small apartments that are grouped under one roof so the seniors may support each other and live together. Stated because of the location, the neighbors have been taken into consideration and Mr. Ganton is making accommodations to fit in and become an asset not a detriment. Said the lighting will be a style that is a cut-off fixture and not a projection type, which has a solid flat bottom and the light projects from that point down so that approximately 40 ft. out there will be no lighting level left and the parking light poles are a shoe box style which have down lighting and any lights that are adjacent to homes will have glare shields on the backside so nothing can be projected toward the homes. Stated extra expense has been made to upgrade the lighting fixtures to a sky and night friendly dark type lighting that will not protrude outward. This facility will be like a residential property and in his opinion are just oversized homes.

Commissioner Preston Hicks asked if there were any others here to speak for or against this variance, seeing none he called this public hearing to a close and would entertain a motion.

MOTION BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FOR AN ASSISTED LIVING COMMUNITY ON S. HELMER ROAD,

PARCEL #0071-00-100-0 AS SUBMITTED BASED ON THE PROPOSED FINDINGS WITHIN THE STAFF REPORT; TO INCLUDE THE (4) SPECIAL CONDITIONS NOTED.

Discussion:

Commissioner Morris noted this will still be presented to the City Commission and any concerns will be addressed. Commissioner Morris asked Ms. Hilton to explain about the land use in the approved Plan and any road that was to have been through this property. Ms. Hilton stated originally this parcel was a part of Jacaranda III and had gone through the Planning Commission and City Commission for the preliminary plat process to sub-divide into single-family residential properties. Stated it never went through the final platting process, so it still remains intact as a 15 acre parcel and not subdivided for single-family homes.

Commissioner Morris asked if someone wanted to build single-family homes there could possibly be two-times the number of properties than what Mr. Ganton is proposing; can it be done and if so, would the lighting be greater. Ms. Hilton stated, yes the R-1B zone allows for each parcel to be 7,500 sq. ft.; the existing subdivision is 13,000 to 15,000 sq. ft., so the density of homes if developed could be twice that of the existing subdivision.

Commissioner Morris asked if developed there would be more lighting, storm water, etc. as part of a new residential plat and would need to meet the Federal, State and City guidelines. Ms. Hilton states that was correct if it were developed to the full capacity.

Commissioner Morris noted that Battle Creek has one of the largest land mass areas, and because of there is so much infrastructure to maintain in and around the city; having more population helps to pay for that infrastructure and it needs to take into consideration of what could be and what could be worse. Stated he would be in support today; noted his dealings with Mr. Ganton in the past have been good and he appreciates what he has done for our community. Commissioner Morris asked that Mr. Ganton meet with the residents to work to resolve any concerns and noted Mr. Ganton is an honest person.

Commissioner Frantz stated she is in support of this special use permit and that she has a 95-year old mother-in-law in an assisted living on the south side of the city and visits her frequently; feel they are not obnoxious developments having barking noise, late night parties, and noisy school buses. Stated to make it clear the request is not for a re-zoning of this property to commercial; but is a special use permit for a residential use requiring a special use permit.

Commissioner Godfrey asked regarding the water retention pond and who the owner is or who would be the responsible party in its present condition; also if it were sold to Mr. Ganton what would be his responsibility be for that pond. Ms. Hilton stated she understands that per the by-laws of the Homeowners Association of Jacaranda; they are responsible for maintenance of the storm-water retention pond. However, it also her understanding that they are no longer an Association and there has been some complications internally with staff trying to figure out who is responsible and what will happen with it. The storm-water pond is on this 15 acre parcel, and would have to be as part of the requirements for site plan approval and need to go through the Department of Public Works to enlarge if necessary to accommodate not only this property in the proposed development but also the surrounding issues that are a concern with Jacaranda and also maintained by the property owner.

Commissioner Buscher stated with all regard to either emotional or financial concerns; when we go through the application for the use permit we are charged with making a decision based on eight criteria and he has tried to objectively and logically go over those eight criteria and as the petition currently sits, he personally has (2) factors in favor, (5) against granting it, and (1) he cannot make a decision with the information he has before him. Stated as the petition currently sits, he believes there are many unanswered questions that they need to be address now instead of after the fact and asked respectfully that they postpone not table, but postpone until many of their concerns based on the criteria are considered.

MOTION BY COMMISSIONER BUSCHER, SUPPORTED BY COMMISSIONER GODFREY, TO POSTPONE THE REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FOR AN ASSISTED LIVING COMMUNITY ON S. HELMER ROAD, PARCEL #0071-00-100-0; IN ORDER TO ADDRESS CONCERNS FROM THE COMMUNITY.

Discussion:

Commissioner Godfrey noted his reason to second for a postponement was that he hoped that Mr. Buscher would extend it one-month to give Mr. Ganton an opportunity to hold some forums with the neighbors and provide an opportunity for many of these questions and misunderstandings to be answered. Stated there is a need for interaction between Mr. Ganton and the neighbors and also once again possibly attending the NPC meeting before being brought back to the Planning Commission.

Mayor Baldwin stated to help her better understand and make a decision; she asked that Commissioner Barker, who has some concerns; (which those concerns may help her in making a decision) if he would share his comments.

Commissioner Barker stated what he was going to address was simply a matter for the record:

1. He sits on the Lakeview Woodland Park and Nature Preserve Cmte., which is a non-profit committee committed to the development of the park near Gethings and Helmer Rd.; Mr. Ganton has been a good supporter of this park and has provided, resources, advise, and leadership in the development of their park; in addition for a location to hold their meetings.
2. Volunteer activities did not have an impact on his objective decision making regarding this petition. States he is in complete agreement with the staff report, particularly on (page 5 conditions (a)(c))
 - a) "Harmonious with existing objectives of the Master Plan", which is correct as they are talking about diversity of living arrangements and are not talking about a commercial establishment versus a non-commercial or a residential area; he believes this constitutes a residential means of providing housing for people and think by citing the various areas in the master plan it adds credence to standpoint that this is a good fit. States he feels what is particularly important is that this proposal's density is one-half of what it could normally be platted if subject to a standard stick-built homes on site.

Commissioner Barker states he is in complete agreement with the eight basis of determination of which they need to make a decision; and they are prohibited to consider property values in the analysis relative to this special use permit as it is subjective. Noted regarding postponement to address issues that are not done at this level, but can be done at the City Commission level; suggest we move forward.

Commissioner Frantz stated she would not be supporting a postponement because of what she has seen today is there is a great deal of misunderstanding by residents, both about the project and in particular about the process by which they use the basis of determination (a-h) for determining the granting of a special use permit. Stated a lot of the misunderstanding arising from the project, she believes have no basis in fact regarding the basis for determination that they are required by law to use as (a-h). Said specifically the discussion regarding the site plan; which is not a part of the basis of determination that they review in order to make a decision regarding a special use permit and that typically the site plan comes after the fact at another review meeting not part of this process.

Commissioner Buscher stated he would like his reasons noted for the record that reasons (a-h) states as follows: (a) *The use would be harmonious with the general objectives of the master plan;* which is arguable. (b) *The use would be designed and will not change the essential character of the neighborhood;* he disagrees with that particular proposition. (c) *Its use will not be hazardous or disturbing to existing or future neighboring issues;* said there is an argument it may be hazardous is speculative as to future uses. (d) *Will be a substantial improvement to the property in the immediate vicinity and to the community as a whole;* said will it create jobs yes, what about the immediate vicinity of the area. He believes he does not have enough information. (e) *Would be adequately served by the current streets in particular;* no as Helmer is not adequate for the traffic right now and will not be if you build in this particular location. (f) *The use will not create excessive additional requirements public costs;* he believes that is speculative at this particular point and they need more information. (g) *Will not create activities or posses materials etc., in particular excessive generation of traffic;* states it certainly would. (h) *The use would be consistent with the intent and purpose of the zoning code;* he believes this is arguable and once again he does not believe the factors add up and ask for support one more time, thank you for your consideration.

Commissioner Morris stated he would not support a postponement as he believes that Mr. Ganton will be willing to meet with the neighbors and work-out and answer questions regarding his development. Stated he had spoken to Mr. Dick Drake who lives near the storm water retention pond and that Mr. Drake said there was a petitioner that came by, but he is in support of the facility as he believes Mr. Ganton is a good operator and answer any concerns and correct anything that is needing to be done; also he had a family member in one of their facilities near Jackson and thought he is a great operator.

Mayor Baldwin stated she is hesitant to postpone; as they are coming up on the construction season and this would need to still be presented to the City Commission. Mayor asked Ms. Hilton when it is planned to be presented to the City Commission. Ms. Hilton stated May 17, 2011. Mayor stated there will then be time to find out more information, any issues may be addressed when presented to the City Commission. Stated that Commissioner Buscher has raised some very interesting points, but also feel that Commissioner Barker has made some excellent points also and Commissioner Frantz has indicated they have some very specific guidelines that they have to make their decision on. Mayor stated she understands there are a lot of people here today that are concerned about their neighborhood and what is going on, but they need to remember they need to be fair to all property owners and need to remember that the persons who own this property have the right to do something with it and they are here to make sure it is an appropriate use and that the City Commission will address any concerns; said she is willing to move forward.

A ROLL CALL VOTE WAS TAKEN FOR POSTPONEMENT: TWO (BUSCHER AND GODFREY) IN FAVOR; SIX (BALDWIN, BARKER, FRANTZ, HICKS, MORRIS AND SPRANGER) OPPOSED; ONE ABSTAINED (STETLER); MOTION FAILED.

Commissioner Barker read the (4) conditions outlined in the staff report for the record; they are as follows:

Project Specific Conditions:

1. All necessary approvals, including site plan review, and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the State of Michigan, Department of Public works, and Inspections Department prior to Certificate of Occupancy.
2. A combination of berming and/or landscaping will be required at the north end of the north parking lot to buffer parking lot from adjacent residential property.

Administrative Conditions:

3. Pursuant to Chapter 1232.01(a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning codes.
4. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

Ms. Jill Steele, Deputy City Attorney stated that when the motion was made to approve by Commissioner Barker “stating including the conditions in the staff report”; she wanted to make sure that it was “***based on the proposed findings within the staff report***” as well. Commissioner Barker stated if he did not use those exact words, he would incorporate them in his motion.

Commissioner Frantz stated they do have an opportunity to add to his motion conditions to recommend to the City Commission along with their recommendations should they pass this motion. Commissioner Hicks stated you would be adding to the motion made; so in the spirit of what you are asking is that you hope there is some good dialogue between now and whenever; regardless of what happens at this meeting, is this true. Commissioner Frantz stated, that is true, to resolve the misunderstandings would be her hope.

A ROLL CALL VOTE WAS TAKEN: ONE (BUSCHER) OPPOSED; SEVEN (BALDWIN, BARKER, FRANTZ, GODFREY, HICKS, MORRIS AND SPRANGER) IN FAVOR; ONE ABSTAINED (STETLER); MOTION APPROVED.

Commissioner Hicks stated this will move to the City Commission and again there is sincere hope is that there is some very good meaningful robust heartfelt discussion between now and then; and that the questions and ambiguities are addressed before this goes to the City Commission. Stated thank you for your consideration and this goes to the City Commission for further consideration.

7. Old Business:

Commissioner Stetler asked regarding the status and if the subject of residential and mixed use zones could be put on next meeting agenda.

Ms. Hilton referenced to the project list that was submitted at the last meeting, noting primary issues that the department needed to address first on zoning and enabling changes to our local ordinance in order to get through by the July 1st deadline as well as starting our existing land use survey through the city to get updated. Noted those and other projects that have come forth before the department based on City Commission meetings and other input has been the priority at this point; in additionally Mr. Stetler's project needs to coincide with that survey of existing land use, (in her opinion) to make sure we have a good basis of what we have and how many non-conforming properties they have in the city. Said it can be put on the agenda for discussion, but did not know there was a consensus from the Planning Commission that this was something they should be working on at this time; and have been working according to the schedule that was discussed a month or so ago.

Commissioner Stetler stated there is no point in going through the effort if this group is not in favor. So if we can put it on the agenda as it had been in the past and was not discussed because of a time restraint he proposed it be withdrawn at that time. Commissioner Stetler asked if it can be put on the next meeting agenda to be discussed regarding the mixed use, he would appreciate it; if the group agrees.

Commissioner Barker noted he would be in support and suggest the Planning Department provide some advance reading material so when discussed they might have some background and be more directive and informed.

Ms. Hilton asked what exactly did they want for material to review; a staff report outlining the proposed changes and recommendations. Commissioner Barker stated, no if they had a few articles or web sites that they could read. Ms. Hilton stated there are no other communities that have done something like this. Commissioner Barker stated he did not want to burden the staff with merely having to generate information that may or may not come to fruition; he thought there might be some resource available to share. Ms. Hilton stated she could provide something in an outline form based on her understanding of what the request is and what changes would be required to the zoning ordinance with a summary of how other communities have dealt with it or get more detailed; noted most communities downtowns are mixed use, there are form based codes which allow for mixed use, but in a general ordinance like ours communities do not typically do that overall, so it would take quite a bit of time.

Commissioner Spranger asked Commissioner Stetler if he wanted residential use to be allowed in commercial areas. Commissioner Stetler stated, yes; there are properties that cannot get a mortgage such as some homes on Grand Blvd. and Newtown area that is not developed and believe you can mix the use.

Commissioner Spranger stated he was confused as he felt the purpose of zoning was to separate commercial and residential use, he asked for clarification of what they are trying to do. Said when he was appointed three-years ago he had questions regarding "land use" and since it had not been looked into; states he thinks it would be more important to look at land use than residential / commercial mixed use and would like that to be done first.

Commissioner Morris stated to Commissioner Stetler that he appreciates him being more specific about his request and totally agree with him and feel it needs address also, as it has been a

problem for many, many years. Said Mr. Buckley seemed to have an answer to help fix some of these things as they went along, but it was never really ever fixed and should be addressed.

Commissioner Frantz stated in support of Commissioner Stetler's suggestion; she had done research with evidence that confirms there are some people moving from suburban and rural areas into more urban areas. Said when more and more people move into urban areas; you will see more and more of a mixed use, as that is what urban areas are. States she believes that is probably the future of zoning and is an issue they probably need to address on a grater scale than what Commissioner Stetler is suggesting regarding how they will deal with that type of mixed use in the future and do they even want to.

Commissioner Hicks stated there is a question of priorities for the Planning Commission leadership and think they have as an important role to play has they have as a responsibility to suggest what they like. Stated he remembers both of the Commissioners making their point eloquently many, many months ago and are at a point now to decide in addition to having the priority list given to them; these items keep coming up and do they fit, how they fit, what is the timeframe for turning them around. Said he was going to have as a "New Business" item "Budget Staffing for the Planning Group", because he does not know if what the Planning Commission are asking is reasonable and if the staff can responsibility respond to them; he will hold off on this at this time and ask that the Planning Commission or "Leadership Team" to look at these two items on the table and if they would like them to take priority over some of other things they have talked about for discussion.

Ms. Christine Hilton, Planning Supervisor stated she could for discussion at the next meeting outline the problem as well as some different solutions that would possibly elevate that problem, as well elaborate on some of the projects. Stated the Planning Department not only report to the Planning Commission but also the Zoning Board of Appeals, Historic District Commission and additionally there are things that come up at the City Commission level like the Group Daycare Ordinance for example after the Latta Street request they had; which have become pressing as they come up. Said frankly the ordinance they have does need to be overhauled and until it is fixed there will always be things that will arise and one of the things she can do is be specific regarding issues that are on the table and bring back to the Planning Commission for an overall discussion for priority ranking session and want to make sure they are working on the priorities that the Planning Commission feel are appropriate. Noted at times things come up and then go in another direction and would like to have direction from the Planning Commission.

Commissioner Hicks stated he feels a good job has been done by the Planning Staff and in the past have worked with the Planning Commission to prioritize; think this is the fourth or fifth time they have participated in a prioritization and received a consensus from this body on what they would like done. Said they need to deal with issues that emerge in a way that does not get them off course and yet not have commissioners feeling like they are being pushed back and need to set expectations and prioritize; asked Ms. Hilton to provide guidance. (Ms. Hilton agreed)

Commissioner Hicks asked Commissioner Spranger and Stetler if they were in agreement; both stated they were in agreement.

8. **New Business:** None

9. **Comments by the Public:** None
10. **Comments by the Staff and Commission Members:** None
11. **Adjournment:** The meeting adjourned at 6:41 P.M.

Respectfully Submitted,

Christine M. Hilton, AICP
Executive Secretary, Planning Commission